

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SANDRA ELIZABETH RANIERI,

Plaintiff

v.

NEVADA RESTAURANT SERVICES,  
INC., et al.,

Defendants

Case No.: 2:25-cv-00524-APG-DJA

**Order Granting Motion to Remand**

[ECF No. 13]

Sandra Elizabeth Ranieri was tending bar at a Dotty's tavern when it was robbed at gunpoint. She was subsequently fired without prior notice or an explanation. ECF No. 1-3 at 8. She sued several entities, including Nevada Restaurant Services, Inc. and St. Rose Plaza, LLC (collectively Dotty's), asserting state law claims for breach of contract; wrongful termination; breach of the covenant of good faith and fair dealing; negligence; and negligent hiring, training, supervision, and retention. ECF No. 1-3. Dotty's removed the case from state court based on federal question jurisdiction. ECF No. 1. Ranieri now moves to remand the case, arguing that none of her claims is based upon a federal right or statute. ECF No. 13.

"Under the well-pleaded complaint rule, federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint." *Newtok Vill. v. Patrick*, 21 F.4th 608, 616 (9th Cir. 2021) (quotation omitted). "A cause of action arises under federal law only if federal law creates the cause of action or a substantial question of federal law is a necessary element of a plaintiff's well-pleaded complaint." *Id.* (simplified); *see also Borodkin v. Omni Air Int'l, Inc.*, No. 2:05-cv-1414-PMP-LRL, 2006 WL 8446635, at \*4 (D. Nev. Oct. 4, 2006), *aff'd*, 279 F. App'x 517 (9th Cir. 2008) ("Vindication of a state law right

1 turns on construing federal law if the plaintiff must plead and prove the asserted federal law  
2 violation.”) (citations omitted).

3 None of Ranieri’s claims arises under or depends upon federal law. Dotty’s points out  
4 that the Second Amended Complaint (SAC) refers to federal law in at least three places. “But  
5 the mere reference of a federal statute in a pleading will not convert a state law claim into a  
6 federal cause of action if the federal statute is not a necessary element of the state law claim and  
7 no preemption exists.” *Newtok Vill.*, 21 F.4th at 616 (quotation omitted). Thus, I must determine  
8 whether any of Ranieri’s claims “necessarily turns on some construction of federal law.”

9 *Republican Party of Guam v. Gutierrez*, 277 F.3d 1086, 1088–89 (9th Cir. 2002) (simplified)  
10 (citing *Franchise Tax Bd. v. Construction Laborers Vacation Trust*, 463 U.S. 1, 8–9 (1983)).

11 “To establish a wrongful termination or tortious discharge claim under Nevada law, [the  
12 plaintiff] must show that the defendants terminated her for refusing to engage in conduct that  
13 was violative of public policy or because she engaged in conduct which public policy favors.”

14 *Allen v. Vocatus, LLC*, 645 F. Supp. 3d 1037, 1048 (D. Nev. 2022) (simplified). Ranieri’s SAC  
15 alleges that Dotty’s had policies for screening patrons before allowing them into the bar that  
16 were discriminatory and violated state and federal law and public policy. ECF No. 1-3 at 8, 15.  
17 The SAC makes three references to 42 U.S.C. § 2000a(a) and (b). *Id.* at 8 ¶ 21, 15 ¶ 73, 18 ¶ 99.  
18 Based on that, Dotty’s contends that “the alleged wrongful termination claim requires the Court  
19 to determine whether [Dotty’s] promulgated a policy in violation of 42 U.S.C. 2000a as a basis  
20 for her termination.” ECF No. 16 at 4.

21 Dotty’s misreads Ranieri’s complaint. The face of the SAC does not assert that Ranieri  
22 was fired for enforcing or refusing to enforce those policies or that she was discriminated against  
23 under them. In her claim for wrongful termination, Ranieri alleges that “Dotty’s . . . wrongfully

1 terminated Plaintiff without any cause, reason or explanation, and because she was a whistle  
2 blower and reported deficient/non-existent and unsafe security and safety issues to police. This  
3 violates public policy.” ECF No. 1-3 at 15 ¶ 73. In her claim for breach of the covenant of good  
4 faith and fair dealing, she alleges that “Defendants unfairly interfered in bad faith with [her] right  
5 to receive the benefits of her employment,” and that her “wrongful termination constitutes a  
6 violation of public policy.” *Id.* at 17 ¶ 95, 18 ¶ 99. Thus, her alleged wrongful termination and  
7 the public policies that were allegedly violated have nothing to do with Dotty’s alleged  
8 discriminatory policies or 42 U.S.C. § 2000a. Ranieri does not allege she was fired for  
9 enforcing, or not enforcing, those policies. And the necessary elements of her claim do not  
10 involve a substantial question of federal law. *See Allen*, 645 F. Supp. 3d at 1048. Thus, I must  
11 remand this case to state court. I deny Ranieri’s request for an award of attorney’s fees.

12 I THEREFORE ORDER that Ranieri’s motion to remand (**ECF No. 13**) is **granted**. This  
13 case is remanded to the state court from which it was removed for all further proceedings. The  
14 clerk of the court is instructed to close this case.

15 DATED this 13th day of May, 2025.



17  
18 ANDREW P. GORDON  
CHIEF UNITED STATES DISTRICT JUDGE